

**REMARKS**

Claim 9 has been added based on the disclosure at, e.g., page 7, lines 22-25 in the present application.

Entry of the above amendment is respectfully requested.

In regard to the obviousness rejection of record, Applicants respectfully request that the Examiner consider the following remarks.

Comparing the instant claims with Katsukiyo et al. and Shigehisa et al. in the "Response to Arguments" section of the Advisory Action dated July 22, 2010, the Examiner gives the following comments:

"The instant claims are drawn to substitution of phosphatidyl ethanolamine that is conjugated to hyaluronic acid, with an unsaturated C18 fatty acid, i.e. oleic acid. Katsukiyo et al. specifically describes a saturated C16 fatty acid, i.e. palmitic acid and a saturated C18 fatty acid, i.e. stearic acid. Therefore, the only difference between the hyaluronate phospholipids actually embodied by Katsukiyo et al. and the instant claims are one unsaturated bond. Shigehisa et al. teaches that the phospholipids can be saturated or unsaturated, therefore one could readily envisage substituting stearic acid for oleic acid. Because of the close structural similarity, one of ordinary skill in the art would expect substitution of one for the other would result in a compound having similar properties." (See page 7, lines 9-18 in the Advisory Action.)

"Since it is clear that the compounds having extremely close structural similarity to that instantly claimed, it is clear that they have a high elastic modulus when prepared as a hydrogel." (See page 8, lines 1-3 in the Advisory Action.)

However, Applicants submit that when oleic acid is substituted with palmitic acid, a compound having the properties of a hyaluronic acid compound covered by the instant claims is not obtained.

That is, as shown in the executed Rule 132 Declaration submitted herewith, hyaluronate phospholipids actually embodied by Katsukiyo et al. do not form a hydrogel, but rather form a non-viscous liquid.

"In contrast to this, as a hydrogel of the hyaluronic acid compound of the present invention has a high elastic modulus of 200 Pa or more, it is useful as a material for treating an injury to the cartilage of a knee." ( See the instant specification at page 7, lines 18-21.)

Since this fact is found, Applicants submit that the Examiner should withdraw her position that "the claimed invention as a whole is prima facie obvious over the combined teachings of the prior art" (see page 6, lines 8-9 in the Advisory Action).

Further, with respect to the Examiner's indication on page 3 of the Advisory Action that a syringe containing an injectable solution can be considered as a molded form of hyaluronic acid, it is submitted that such a position is not based on a reasonable interpretation of a molded form as claimed.

Moreover, with respect to new claim 9, it is submitted that a syringe containing an injectable solution does not teach, suggest or otherwise render obvious a sponge, nonwoven cloth or film as claimed, so claim 9 is not obvious for that additional reason.

In view of the remarks of record, the above remarks and the Declaration evidence submitted herewith, Applicants submit that the present invention is not prima facie obvious, and it is also not obvious because it provides unexpectedly superior results.

Accordingly, withdrawal of the obviousness rejection is respectfully requested.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

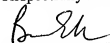
WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: February 7, 2011

Respectfully submitted,



---

Bruce E. Kramer  
Registration No. 33,725